orders of your Honorable Court, and in violation of the laws of the United States in such case made and provided.

Respectfully submitted.

JUDSON G. SHERMAN.

STATE OF ILLINOIS, }
COUNTY OF COOK. } ss.

Judson G. Sherman, being first duly sworn, on oath deposes and says that he is the petitioner named in the foregoing petition, and that he has heard read and has subscribed such petition; that he knows the contents thereof, and he verily believes the same to be true in substance and in fact.

JUDSON G. SHERMAN.

Subscribed and sworn to before me this 24th day of April, 1900.

FERDINAND W. JAROS,
Notary Public.

[SEAL.]

NEWTON A. PARTRIDGE,
GEO. W. WILBUR,
Counsel for Plaintiffs in Error.

22777

AFFIDAVITS.

IN THE SUPREME COURT OF THE UNITED STATES.

Thomas F. Farrell *et al.*, *Plaintiffs in Error*, *vs.* The West Chicago Park Commissioners, *Defendants in Error.* } *Error to Supreme Court of State of Illinois.*

STATE OF ILLINOIS, } ss.
COUNTY OF COOK. }

Leonard C. Stebbins, being first duly sworn. on oath deposes and says that he is one of the above named plaintiffs in error; that he signed a certain bond for the payment of costs and damages in said cause, and he is informed and believes that a citation was issued in said matter and duly served upon said defendants in error in the manner and form required by law, and as will appear by said documents, which are a part of the record herein.

This affiant further states that he is informed and believes, and he so charges the fact to be, that said defendants in error, the West Chicago Park Commissioners, have returned the property of this affiant, together with the property of his several co-plaintiffs in error, to one S. B. Raymond, county treasurer and ex-officio county collector of the County of Cook in the State of Illinois, as delinquent and for collection, by reason of the alleged non-payment of the special assessment involved in the above entitled proceedings.

This affiant further states that on or about the 24th

day of April, 1900, said S. B. Raymond, county treasurer and ex-officio county collector of Cook County, in the State of Illinois, demanded of this affiant that he pay to him, said Raymond, the sum of $1,666.66, on account of the special assessment involved in said above entitled proceedings.

This affiant further states that he has heard read a petition herein of Judson G. Sherman, one of his co-plaintiffs in error. This affiant further states that said petition is true, in substance and in fact, as he verily believes, and this affiant asks that his affidavit herein may be considered as a part of said petition, and that your Honorable Court will make such order in the matter as may be just and equitable.

LEONARD C. STEBBINS.

Subscribed and sworn to before me this 24th day of April, 1900.

HOBART W. MARTIN,
Notary Public.

[NOTARIAL SEAL.]

22778

IN THE SUPREME COURT OF THE UNITED STATES.

Thomas F. Farrell *et al.*,
Plaintiffs in Error,
vs.
The West Chicago Park Commissioners,
Defendants in Error.

Error to Supreme Court of State of Illinois.

STATE OF ILLINOIS, }
COUNTY OF COOK, } ss.

Hermann L. Paesler, being first duly sworn, on oath deposes and says that he is one of the above named plaintiffs in error, and that he makes this affidavit on his own behalf and on behalf of his co-plaintiffs in error; that he signed a certain bond in said cause with his co-plaintiffs in error, conditioned for the payment of costs and damages therein, which bond, as this affiant is informed and believes, is the usual bond in such cases; that a citation was issued in said cause on petition of the plaintiffs in error herein, which citation was duly served on the defendants in error in the manner required by law, as will appear by said documents which are a part of the record herein.

This affiant further states that said defendants in error, the West Chicago Park Commissioners, have returned the property of said plaintiffs in error to one S. B. Raymond, county treasurer and ex-officio county collector of the County of Cook in the State of Illinois, as delinquent, and for the purpose of having said county treasurer and ex-officio county collector collect from said plaintiffs in error the amount alleged to be due from them, respectively, on account of the special assessment involved in the above entitled proceedings.

This affiant further states that he has read the petition of Judson G. Sherman herein, and one of his co-plaintiffs in error; and affiant further states that said petition is true, in substance and in fact, as he verily believes. This affiant asks that his affidavit may be considered as a part of said petition, and that your Honorable Court will make such order in the premises as may be just and equitable.

HERMANN L. PAESLER.

Subscribed and sworn to before me this 24th day of April, 1900.

HOBART W. MARTIN,
Notary Public.

[NOTARIAL SEAL.]

IN THE SUPREME COURT OF THE UNITED STATES.

Thomas F. Farrell *et al.*,
Plaintiffs in Error,
vs.
The West Chicago Park Commissioners,
Defendants in Error.
} *Error to Supreme Court of State of Illinois.*

STATE OF ILLINOIS, } ss.
COUNTY OF COOK. }

William L. Brent, being first duly sworn, on oath deposes and says that he is one of the above named plaintiffs in error, and that he makes this affidavtt on his own behalf, and on behalf of his co-plaintiffs in error; that he signed a certain bond in said cause, with his co-plaintiffs in error, conditioned for the payment of costs and damages therein, which bond, as this affiant is informed and believes, is the usual bond in such cases; that a citation was issued in said cause on petition of the plaintiffs in error herein, which citation was duly served on the de-

fendants in error in the manner required by law, as will appear by said documents which are a part of the record herein.

This affiant further states that said defendants in error, the West Chicago Park Commissioners, have returned the property of said plaintiffs in error to one S. B. Raymond, county treasurer and ex-officio county collector of the County of Cook in the State of Illinois, as delinquent, and for the purpose of having said county treasurer and ex-officio county collector collect from said plaintiffs in error the amount alleged to be due from them, respectively, on account of the special assessment involved in the above entitled proceedings.

The affiant further states that he has heard read the petition of Judson G. Sherman herein, and one of his coplaintiffs in error; and affiant further states that said petition is true, in substance and in fact, as he verily believes. This affiant asks that his affidavit may be considered as a part of said petition, and that your Honorable Court will make such order in the premises as may be just and equitable.

WILLIAM L. BRENT.

Subscribed and sworn to before me this 25th day of April, 1900.

LYMAN H. PARTRIDGE,

[NOTARIAL SEAL.] *Notary Public.*

IN THE SUPREME COURT OF THE UNITED STATES.

Thomas F. Farrell *et al.*,
Plaintiffs in Error,
vs.
The West Chicago Park Commissioners,
Defendants in Error.

Error to Supreme Court of State of Illinois.

STATE OF ILLINOIS, } ss.
COUNTY OF COOK. }

Luke P. Colleran, being first duly sworn, on oath deposes and says that he is one of the above-named plaintiffs in error, and that he makes this affidavit on his own behalf, and on behalf of his co-plaintiffs in error; that he signed a certain bond in said cause, with his co-plaintiffs in error, conditioned for the payment of costs and damages therein, which bond, as this affiant is informed and believes, is the usual bond in such cases; that a citation was issued in said cause on petition of the plaintiffs in error herein, which citation was duly served on the defendants in error in the manner required by law, as will appear by said documents which are a part of the record herein.

This affiant further states that said defendants in error, the West Chicago Park Commissioners, have returned the property of said plaintiffs in error to one S. B. Raymond, county treasurer and ex-officio county collector of the County of Cook, in the State of Illinois, as delinquent, and for the purpose of having said county treasurer and ex-officio county collector collect from said plaintiffs in error the amount alleged to be due from them, respectively, on account of the special assessment involved in the above-entitled proceedings.

This affiant further states that he has heard read the petition of Judson G. Sherman, and one of his co-plaintiffs in error; and affiant further states that said petition is true, in substance and in fact, as he verily believes. This affiant asks that his affidavit may be considered as a part of said petition, and that your Honorable Court will make such order in the premises as may be just and equitable.

LUKE P. COLLERAN.

Subscribed and sworn to before this 26th day of April, 1900.

HOBART W. MARTIN,
Notary Public.

[NOTARIAL SEAL.]

IN THE SUPREME COURT OF THE UNITED STATES.

Thomas F. Farrell *et al.*,
Plaintiffs in Error,
vs.
The West Chicago Park Commissioners,
Defendants in Error.

Error to Supreme Court of State of Illinois.

STATE OF ILLINOIS, }
COUNTY OF COOK. } ss.

James L. Monaghan and Edward J. McCarthy, being first duly sworn, on oath depose and say that they are plaintiffs in error in the above entitled cause, and they make this affidavit on their own behalf and on behalf of their co-plaintiffs in error; that they signed a certain bond in said proceedings, with their co-plaintiffs in error, conditioned for the payment of costs and damages therein, which bond, as these affiants are informed and believe, is the usual bond in such cases; that a citation was issued in said cause on petition of the plaintiffs in

error herein, which citation was duly served on the defendants in error in the manner required by law, as will appear by said documents which are a part of the record herein.

These affiants further state that said defendants in error, the West Chicago Park Commissioners, have returned the property of said plaintiffs in error to one S. B. Raymond, county treasurer and ex-officio county collector of the County of Cook in the State of Illinois, as delinquent, and for the purpose of having said county treasurer and ex-officio county collector collect from said plaintiffs in error the amount alleged to be due from them, respectively, on account of the special assessment involved in the above entitled proceedings.

These affiants further state that they have heard read the petition of Judson G. Sherman herein, and one of their co-plaintiffs in error; and affiants further state that said petition is true, in substance and in fact, as they verily believe. These affiants ask that this affidavit may be considered as a part of said petition, and that your Honorable Court will make such order in the premises as may be just and equitable.

JAMES L. MONAGHAN.
E. J. MCCARTHY.

Subscribed and sworn to before me this 26th day of April, 1900.

PHILIP KNOPF,
County Clerk, Cook County, Ill.

[SEAL OF COUNTY COURT, COOK CO., ILL.]

NEWTON A. PARTRIDGE,
GEO. W. WILBUR,
Counsel for Plaintiffs in Error.

No. 201

22781

Office Supreme Court
FILED
MAY 11 1900
JAMES H. McKENNEY,
Clerk

No. 625.

IN THE

Supreme Court of the United States.

THOMAS P. FARRELL et al.,
Plaintiffs in Error,
vs.
THE WEST ORCHARD PARK COMMISSIONERS,
Defendants in Error.

Error to
Supreme Court
of Illinois.

ABSTRACT OF RECORD IN SUPPORT OF MOTION FOR RULE TO SHOW CAUSE, ETC.

NEWTON A. PARTRIDGE.
GEORGE W. WILBUR.
Counsel for Plaintiffs in Error.

Gibbons-Knox Printing Company, 86 Fourth Ave., Chicago.

IN THE

Supreme Court of the United States

THOMAS F. FARRELL et al.,
Plaintiffs in Error,

vs.

THE WEST CHICAGO PARK COMMISSIONERS,
Defendants in Error.

Error to Supreme Court of Illinois

ABSTRACT OF RECORD IN SUPPORT OF MOTION FOR RULE TO SHOW CAUSE, ETC.

Page of Record.

Writ of error from Supreme Court of the United States to the Supreme Court of Illinois, bearing date January 23, 1900, signed by James T. Jones, clerk of the Circuit Court of the United States for the Southern District of Illinois.

Allowed by James H. Cartwright, Chief Justice of the Supreme Court of Illinois.

Certificate of clerk of Supreme Court of Illinois to writ of error, bearing date February 3, 1900.

Citation directed to the West Chicago Park Commissioners, and issued in pursuance of said writ of error, citing them to appear at a Supreme Court of the United States within thirty days from date thereof, pursuant to

a writ of error filed in the clerk's office of the Supreme Court of the State of Illinois, wherein Thomas F. Farrell *et al.* are plaintiffs in error and said West Chicago Park Commissioners are defendants in error, to show cause, if any there be, why the judgment against the plaintiffs in error, as in said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable James H. Cartwright, Chief Justice of the Supreme Court of the State of Illinois, this 24th day of January, A. D. 1900.

(Signed) JAMES H. CARTWRIGHT,
Chief Justice Supreme Court of Illinois.

Writ served on the West Chicago Park Commissioners, a corporation, by delivering a copy thereof to Ernest G. Schubert, secretary of said corporation, the 2nd day of February, 1900.

The president of said corporation not found in my county.

(Signed) ERNEST G. MAGERSTADT, *Sheriff*,
By THOMAS J. MCNICHOLS, *Deputy*.

Certificate of clerk of the Supreme Court of Illinois, stating that on the 3rd day of February, 1900, a copy of foregoing citation and return thereon was lodged in his office in Springfield, Illinois.

Certificate dated February 3, 1900.

Certificate of clerk of Supreme Court of Illinois to transcript of record on pages numbered from 1 to 257, inclusive.

Certificate dated February 3, 1900.

1 Placita of Supreme Court, showing that transcript of record was filed in said court on October 5, 1898.

225 On December 21, 1898, the following order was entered in the Supreme Court of Illinois:

Thomas F. Farrell *et al.*
No. 498 *vs.* } *Appeal from County Court, Cook.*
West Chicago Park Commissioners.

(Here follows order reversing said judgment and remanding said cause to the County Court of Cook County for such other and further proceedings as to law and justice shall appertain.)

226 On February 9, 1899, an order was entered in said cause allowing a petition for rehearing.

228 On October 30, 1899, an order was entered in said cause affirming the judgment of the County Court.

231 Opinion of the court, bearing date October 30, 1899.

237 On November 22, 1899, an order was entered by James H. Cartwright, Chief Justice, staying all further proceedings in said cause, on a petition for rehearing, until the next term of court, there being probable ground for granting a rehearing.

238 On December 11, 1899, an order was entered in said cause overruling and denying the petition for rehearing.

240 Petition for citation in said cause, directed to the Hon. James H. Cartwright, Chief Justice of the Supreme Court of Illinois.

241 Said petition contains the following:

"It appears in the record now remaining in the Supreme Court of Illinois that certain rights and privileges were claimed under the Constitution of the United States by said Thomas F. Farrell *et al.*, appellants, and that said Supreme Court of the State of Illinois erroneously

decided against said rights and privileges of said Thomas F. Farrell *et al.*, appellants, which were specially set up and claimed under said constitution; and, further, that the validity of the authority exercised by said State of Illinois was drawn in question in said suit by said Thomas F. Farrell *et al.*, appellants, on the ground that said authority was repugnant to the Constitution of the United States, and the decision of said Supreme Court of Illinois was in favor of the validity of said authority so exercised; from all of which said Thomas F. Farrell *et al.*, appellants, allege that it appears in the said record and proceedings in said suit manifest error has occurred, to the great damage of said Thomas F. Farrell *et al.*, appellants."

(Prayer for citation.) "That a citation may be issued herein, pursuant to law, citing and admonishing the West Chicago Park Commissioners to be and appear at the Supreme Court of the United States, at Washington, according to the usual course and practice in such cases; that the supersedeas bond herewith presented to the court may be duly approved, and that such other and further orders and proceedings may be had and entered herein, as may be necessary fully to grant to said Thomas F. Farrell *et al.* the relief herein prayed for, according to the usual course and practice in such cases."

(Names of plaintiffs in error.)

248 (Title of cause.)

ORDER.

Upon motion of George W. Wilbur, attorney for appellants, and upon filing a petition for a writ of error and an assignment of errors, it is ordered that a writ of error be and hereby is allowed to have reviewed in the Supreme Court of the United States the judgment heretofore entered herein, and that the amount of the bond on said writ of error be and hereby is fixed at five hundred dollars ($500).

250 Order signed January 20, 1900, by James H. Cartwright, Chief Justice of the Supreme Court of Illinois.

251 Bond of plaintiffs in error, dated December 11, 1899.

252 Said bond contains the following:

"Whereas, said principal obligors have sued out a writ of error from the Supreme Court of the United States to review said judgment of affirmance, and have prayed that the same be made a supersedeas,

"Now, if the said principal obligors above named shall prosecute their said writ of error with effect, and if they fail to make their plea good, shall answer all damages and costs, then this obligation to be void, otherwise to remain in full force and effect."

(Names of plaintiffs in error.)

254 Affidavit of surety to bond.

258 Assignment of errors.

Respectfully submitted.

NEWTON A. PARTRIDGE,
GEO. W. WILBUR,
Counsel for Plaintiffs in Error.

22786

No. 525, 201

Brf. of Partridge for P. in E.

Office Supreme Court
FILED
MAY 11 1900
JAMES H. McKENNEY,
Clerk

No. 525.

Filed May 11, 1900.

IN THE

Supreme Court of the United States.

THOMAS F. FARRELL et al.,
Plaintiffs in Error,

vs.

THE WEST CHICAGO PARK COMMISSIONERS,
Defendants in Error.

Error to
Supreme Court
of Illinois

BRIEF AND ARGUMENT IN SUPPORT OF MOTION FOR RULE TO SHOW CAUSE, ETC.

NEWTON A. PARTRIDGE,
GEORGE W. WILBUR,
COUNSEL FOR PLAINTIFFS IN ERROR.

The Gunthorp-Warren Printing Company, 53 Dearborn St., Chicago.

22787

IN THE

Supreme Court of the United States.

THOMAS F. FARRELL et al.,
Plaintiffs in Error,

vs.

THE WEST CHICAGO PARK COMMISSIONERS,
Defendants in Error.

Error to
Supreme Court
of Illinois

BRIEF AND ARGUMENT IN SUPPORT OF MOTION FOR RULE TO SHOW CAUSE, ETC.

MAY IT PLEASE THE COURT:

This is a special assessment proceedings brought by the West Chicago Park Commissioners for the purpose of obtaining the cost of the completed improvement of Douglas boulevard, in Chicago, Illinois.

The proceedings were commenced in the County Court of Cook County, Illinois, in 1896. On motion of plaintiffs in error the petition was dismissed, and an appeal was taken by defendants in error to the Supreme Court of Illinois. The latter court reversed the judgment of the trial court, and remanded the cause. A subsequent trial in the County Court resulted in a judgment in favor of the West Chicago Park Commissioners, from which judgment the plaintiffs in error took an appeal to the Su-

preme Court of Illinois, where the judgment was again reversed and the cause remanded. A petition for rehearing was filed by the West Chicago Park Commissioners, which petition was allowed, and on a reconsideration of the case the Supreme Court reversed its former finding in favor of the plaintiffs in error, and directed a judgment confirming the County Court.

The latter order was entered October 30, 1899, and the plaintiffs in error then presented a petition for rehearing. On November 22, 1899, a stay order was entered as to the petition for rehearing made on behalf of plaintiffs in error. On December 11, 1899, an order was entered in the Supreme Court overruling and denying the petition for rehearing so made on behalf of plaintiffs in error.

Thereupon the plaintiffs in error sued out a writ of error from the Supreme Court of the United States to the Supreme Court of Illinois, upon their petition. The writ of error was signed on January 23, 1900, by the clerk of the Circuit Court of the United States for the Southern District of Illinois, such writ having been allowed by the chief justice of the Supreme Court of Illinois.

A citation directed to the West Chicago Park Commissioners was issued on January 24, 1900, and signed by said James H. Cartwright. The citation was served on the West Chicago Park Commissioners by the sheriff of Cook County, Illinois, on the 2d day of February, 1900. The transcript of record in the above cause was filed with the clerk of the Supreme Court of the United States on or about the 9th day of February, 1900. Thereafter Mr. Francis A. Riddle entered his appearance as counsel for defendants in error.

The petition for citation asks that the writ of error be made a supersedeas, and the bond of plaintiffs in error, among other things, provides that if the principal obligors shall fail to prosecute their writ of error with effect they will pay all costs and damages herein. Said bond is, as we understand, in the usual form of a supersedeas bond.

The plaintiffs in error herein respectfully show, however, that the defendants in error, not regarding said writ of error, and the bond filed herein, and the statutes of the United States governing such matters, are attempting to collect, from the plaintiffs in error, the special assessment involved in the proceedings herein; that to accomplish such purpose the defendants in error have returned as delinquent, to the county treasurer and ex-officio county collector of Cook County, Illinois, the respective pieces of property involved herein, on account of the alleged non-payment of said special assessment.

Owing to the action of the defendants in error in the premises, we present herewith a motion, asking that a rule be entered against the individuals composing the West Chicago Park Commissioners, for them to show cause why they should not be punished for contempt in violating the terms and conditions of said writ of error. We also ask that Samuel B. Raymond, county treasurer and ex-officio county collector of the County of Cook, in the State of Illinois, be made a defendant in error, and that a rule be entered against him restraining him from making any further effort for the collection of said assesment, until the further order of this Court.

In support of said motion we present herewith the verified petition of Judson G. Sherman and the affidavits of Leonard C. Stebbins, Hermann L. Paesler, William

L. Brent, Luke P. Colleran, James L. Monaghan and Edward J. McCarthy. We also present herewith proof of service of notice upon the members of said West Chicago Park Commissioners and the secretary thereof, together with service of copies of the various documents presented herewith upon Mr. Francis A. Riddle, counsel for the defendants in error, and service of notice, together with copies of certain papers, upon S. B. Raymond, county treasurer as aforesaid.

The plaintiffs in error contend, by reason of the writ of error herein and other records and proceeding, together with the bond conditioned for the payment of costs and damages, that no further proceedings should be taken in regard to said assessment, in so far as it relates to the property of plaintiffs in error, until the final disposition of said proceedings in this Court.

The proceedings herein, as they appear to us, are in substantial compliance with the requirements of your Court and the statutes of the United States; that the defendants in error, by attempting to collect the assessments involved in such proceedings, are acting in defiance of said writ of error and of the statutes referred to.

The practice seems to be so well established and the statutes governing such matters are so plain, that citation of authorities would possibly be out of place. It is held in a number of cases that a writ of error becomes *per se* a supersedeas upon compliance with the statute.

Tiernan v. *Booth*, 4 Fed. Rep., 620.
Booth v. *Tiernan*, 109 U. S., 205.

The plaintiffs in error respectfully ask that your Honorable Court will make such order in the matter as may

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be just and proper, so that the rights of the plaintiffs in error may be protected.

It is not the desire of the plaintiffs in error to cause unnecessary trouble or expense to be put upon the defendants in error, yet we cannot avoid the conclusion that the defendants in error are seeking to cause the plaintiffs in error much annoyance and the expenditure of considerable money in maintaining their rights in the premises.

Trusting your Honorable Court may be inclined to grant the motion herein, the above is

Respectfully submitted.

NEWTON A. PARTRIDGE,
GEO. W. WILBUR,
Counsel for Plaintiffs in Error.

No. 201.

Office Supreme Court U.S.
FILED
OCT 1 1900
JAMES H. McKENNEY,
Clerk.

Gen. No. 17,639. Term No. 201.

IN THE

Supreme Court of the United States.

OF THE OCTOBER TERM, A. D. 1900.

THOMAS F. FARRELL et al.,
Plaintiffs in Error,

vs.

THE WEST CHICAGO PARK COMMISSIONERS,
Defendants in Error.

Error to Supreme Court of Illinois.

ABSTRACT OF "STATEMENT AND EXHIBITS" SHOWING DISREGARD OF SUPERSEDEAS AND OF RULE TO SHOW CAUSE.

GEORGE W. WILBUR,
NEWTON A. PARTRIDGE,
COUNSEL FOR PLAINTIFFS IN ERROR.

The Gunthorp-Warren Printing Company, 53 Dearborn St., Chicago.

22792

IN THE

Supreme Court of the United States

OF THE OCTOBER TERM, A. D. 1900.

THOMAS F. FARRELL et al.,
Plaintiffs in Error,

vs.

THE WEST CHICAGO PARK COMMISSIONERS,
Defendants in Error.

Error to Supreme Court of Illinois.

To the Honorable, the Judges of the Supreme Court of the United States:

The undersigned, JAMES L. MONAGHAN, respectfully represents that he is one of the above named plaintiffs in error, and that he makes the following statement on behalf of all of said plaintiffs in error.

The undersigned further respectfully represents that a writ of error was sued out in the above entitled cause from this court, and citation issued thereon, on or about the 23rd day of January, 1900; that a supersedeas bond was approved and filed in said matter, and that the citation herein was duly served on said defendants in error on or about the first day of February, 1900. All of said matters will fully appear in and by the records, files and orders of your Honorable Court.

The undersigned further respectfully represents unto your Honorable Court that, after the service of said citation upon said defendants in error, they returned to the county treasurer and ex-officio county collector of Cook County, in the State of Illinois, as delinquent and for collection, the special assessment which is the subject-matter involved in the above entitled cause.

The undersigned further respectfully represents unto your Honorable Court that after the return of said assessment for collection as aforesaid, a certain petition, supported by several affidavits, was duly filed and presented to your Honorable Court, on behalf of plaintiffs in error, asking that a rule be entered against said defendants in error to show cause why they should not be punished for contempt in returning said special assessment for collection; that a brief and argument was filed on behalf of said plaintiffs in error, to which said defendants in error, by their counsel, made reply.

The undersigned further respectfully represents unto your Honorable Court that the matter of said motion came on for disposition on the 21st day of May, 1900, when and where an order was entered against said defendants in error, directing that they show cause why they should not be punished for contempt, which rule is returnable on the 8th day of October next, at 12 o'clock noon, or as soon thereafter as counsel can be heard. The undersigned attaches hereto, as "Exhibit A," and makes the same a part hereof, a copy of a certified copy of said order, together with the manner and form of service thereof upon the counsel for defendants in error, and upon the individual members of the Board of West Chicago Park Commissioners, and also upon the county treasurer and ex-officio county collector of Cook County, Illinois.

The undersigned further respectfully represents unto your Honorable Court that, notwithstanding the entry of said order on said 21st day of May, 1900, said defendants in error permitted and caused said county treasurer and ex-officio county collector to advertise for sale in *The Inter Ocean*, a daily newspaper printed and published in the City of Chicago, in said County of Cook, the property of said plaintiffs in error, by reason of the alleged non-payment of said special assessment. The undersigned attaches hereto as "Exhibit B," and makes the same a part hereof, a certified copy of the delinquent list above referred to, describing the property of plaintiffs in error, together with the certificate of publication thereof.

The undersigned further respectfully represents unto your Honorable Court that, after the publication of said delinquent list, as herein set forth, the counsel for plaintiffs in error, in order to prevent the entry of a judgment of sale against their respective pieces of property, was compelled to and did file in the County Court of said Cook County, on July 11, 1900, certain objections to the entry of such judgment, a certified copy of which objections are attached hereto as "Exhibit C," and made a part hereof.

The undersigned further respectfully represents unto your Honorable Court that said defendants in error and their said counsel permitted said matter of the application for judgment of sale against the respective pieces of property of the plaintiffs in error herein, to remain pending and undisposed of in said County Court of Cook County, until on or about the 26th day of July, 1900, when, upon motion of Frances A. Riddle, counsel for defendants in error herein, and Julius A. Johnson, attorney

for said county treasurer and ex-officio county collector of said Cook County, a pretended order was entered in said court which purports to take from said delinquent list the various pieces of property of the plaintiffs in error. The undersigned attaches hereto, as "Exhibit D," a certified copy of said pretended order, and makes the same a part hereof.

The undersigned further respectfully represents unto your Honorable Court that afterwards, and on the 27th day of July, 1900, the matter of the disposition of the objections to judgment of sale so filed in said County Court of Cook County, by counsel for plaintiffs in error herein, came on for disposition and determination in said County Court; that at said time the counsel for plaintiffs in error was not present in court, but Francis A. Riddle, counsel for defendants in error herein, was present and entered a motion to overrule said objections, and he also entered a further motion for a judgment of sale against the property described in said objections. The said County Court thereupon granted each of said motions, and overruled said objections and entered a judgment of sale against the various pieces of property described therein. The undersigned attaches hereto as "Exhibit E," a certified copy of the order herein lastly referred to, and makes the same a part hereof.

The undersigned further respectfully represents unto your Honorable Court that, by reason of the acts of the defendants in error in the premises, as shown by the various exhibits attached hereto, the plaintiffs in error have been caused great annoyance, and they have been subjected to unjust criticism and humiliation by reason of having their property advertised as delinquent in a public newspaper in the City of Chicago; that in order to prevent

a sale of their property, their counsel was compelled to file objections in the manner aforesaid; that prior to said the 21st day of May, 1900, their said counsel, in order to protect the rights of plaintiffs in error in the premises, was compelled to prepare certain documents and to present an argument to your Honorable Court, as hereinabove referred to; that the presentation of such documents and argument required the personal attendance of counsel for plaintiffs in error before your Honorable Court on or about the 14th day of May, 1900, all of which resulted in a large and unnecessary expense to plaintiffs in error, as well as the great annoyance incident thereto.

The undersigned further respectfully represents that the attendance of counsel before your Honorable Court on the day fixed by the rule for the defendants in error to show cause why they should not be punished for contempt, and the preparation by him of this statement and his suggestions in relation thereto, have inflicted upon plaintiffs in error additional annoyance and expense, the greater part of which could have been avoided had the defendants in error given greater consideration to said order of your Honorable Court so entered on May 21, 1900.

The undersigned further respectfully states unto your Honorable Court, that it is a matter of great surprise to himself and to his co-plaintiffs in error, that the defendants in error and their counsel should show such a lack of respect and obedience to the rules and orders of your Honorable Court. And the undersigned suggests that the action of the defendants in error and their counsel in the premises, may require further consideration by your Honorable Court, to the end that they may realize not only the propriety but the necessity of giving due heed

and proper regard to the statutes of the United States and the rules and orders of your Honorable Court.

The undersigned further represents unto Your Honorable Court that, by reason of the wrongful and contumacious actions of the defendants in error, as above set forth, additional services of counsel for plaintiffs in error have been made necessary, and have been rendered to a large amount, and expenses have been incurred for printing and transportation, the aggregate of all such additional expenses, the undersigned verily believes, amounts to the sum of fifteen hundred dollars ($1,500.00). The undersigned therefore respectfully suggests to your Honorable Court, and he trusts that it may be proper so to do, the propriety of directing the defendants in error, being the individual members of the Board of West Chicago Park Commissioners, to reimburse the plaintiffs in error in such an amount as may be a just and proper compensation for the expenses incurred as a result of the conduct of the defendants in error in the premises.

All of which is respectfully submitted.

JAMES L. MONAGHAN

STATE OF ILLINOIS, }
COUNTY OF COOK. } ss.

James L. Monaghan being first duly sworn, on oath deposes and says that he is one of the plaintiffs in error in the above entitled cause; that he has read and subscribed the foregoing statement, and knows the contents thereof, and that the same is true, in substance and in fact, as he verily believes.

JAMES L. MONAGHAN.

Subscribed and sworn to before me this 26th day of September, 1900.

PHILIP KKOPF,

[SEAL.] *Clerk of the County Court of Cook County, Illinois.*

GEO. W. WILBUR and
NEWTON A. PARTRIDGE,
Counsel for Plaintiffs in Error.

"EXHIBIT A."

[Printed copy of motion for rule to show cause, etc., and petition and affidavits in support thereof.]

SUPREME COURT OF THE UNITED STATES.

No. 525, October Term, 1899.

Thomas F. Farrell *et al.*,
Plaintiffs in Error,
vs.
The West Chicago Park Commissioners.

On consideration of the petition of the plaintiffs in error in this cause,

It is now here ordered by the court that cause be shown by the defendants in error before this court at the City of Washington, on Monday, October 8th, 1900, at 12 o'clock noon of that day, or as soon thereafter as counsel can be heard, why they should not be punished for contempt as prayed in said petition.

Per. MR. CHIEF JUSTICE FULLER.

May 21, 1900.

SUPREME COURT OF THE UNITED STATES.

I, JAMES H. MCKENNEY, Clerk of the Supreme Court of the United States, do hereby certify that the foregoing are true copies of the petition and rule to show cause granted thereon in the case of Thomas F. Farrell *et al.*, Plaintiffs in Error, *vs.* The West Chicago Park Commissioners, No. 525, October Term, 1899, as the same remain upon the files and records of said Supreme Court.

In testimony whereof I have hereunto subscribed my name, and affixed the seal of said Supreme Court, at the City of Washington, this 29th day of May, A. D. 1900.

[SEAL] JAMES H. MCKENNEY,
Clerk of the Supreme Court of the United States.

Service of above order accepted by receipt of copy of same this 14th day of June, 1900.

FRANCIS A. RIDDLE,
Counsel for West Chicago Park Commissioners, Defendant in Error.

UNITED STATES OF AMERICA,
NORTHERN DISTRICT OF ILLINOIS, } ss.
NORTHERN DIVISION.

I have served the within order to show cause within my District in the following manner, to-wit:

Upon Joseph W. Suddard, Commissioner and President of the Board of West Chicago Park Commissioners, by reading the same to and within his presence and hearing, at the same time delivering to him a true copy thereof, on the 16th day of June, A. D. 1900.

Upon Charles B. Pavlicek, Andrew J. Graham and F. M. Blount, Commissioners, by reading the same to and within their presence and hearing, at the same time delivering a true copy thereof to each of them personally on the 16th day of June, A. D. 1900. At the same time I delivered to each of the above named commissioners a copy of the motion for rule to show cause, etc., and petition and affidavits in support thereof. I did not read the said motion for rule to show cause and petition and affidavits in support thereof, to any of the above named commissioners, for the reason that in each instance the above named commissioners expressly waived the reading thereof.

JOHN C. AMES,
United States Marshal, Northern District of Illinois.
By WM. E. CASS,
Deputy.

Fees—

4 Services	$8.00
4 Miles	24
	$8.24

Received payment of the above amount from the attorneys of the plaintiffs in error.

JOHN C. AMES,
U. S. Marshal.

IN THE SUPREME COURT OF THE UNITED STATES.

Of the October Term, 1899.

Thomas F. Farrell *et al.*,
Plaintiffs in Error,
vs.
The West Chicago Park Commissioners,
Defendants in Error.
} *Error to Supreme Court of State of Illinois.*

STATE OF ILLINOIS, }
COUNTY OF COOK. } ss.

Hobart W. Martin, being first duly sworn, on oath deposes and says that he served the foregoing order and petition thereto attached upon Anton Petersen, one of the aboved named defendants in error, and a member of the Board of West Chicago Park Commissioners at the time of the entry of said order, by delivering to him a true and perfect copy thereof on the 14th day of June, 1900; and affiant also served the foregoing order and petition thereto attached, upon Frank T. Fowler, one of the above named defendants in error, and a member of said Board of West Chicago Park Commissioners at the time of the entry of said order, by leaving a true and perfect copy thereof at the place of business of said Fowler, with Miss L. Barry, an employe, on the 14th day of June, 1900; and affiant also served the foregoing order and petition attached thereto upon Charles W. Kopf, one of the above named defendants in error, by leaving a true and perfect copy thereof at his place of business with B. C. Weiler, on the 26th day of June, 1900. And further affiant saith not.

HOBART W. MARTIN.

Subscribed and sworn to before me this 26th day of July, 1900.

FRANK W. DUHA,
Notary Public.

[SEAL]

UNITED STATES OF AMERICA,
STATE OF ILLINOIS,
COOK COUNTY. } ss.

I have served the within order to show cause within my county in the following manner, to wit:

Upon the West Chicago Park Commissioners by reading the same to and at the same time delivering a copy thereof to Joseph W. Suddard, President of the said West Chicago Park Commissioners, this 26th day of June, 1900, and at the same time I delivered a copy of the "Motion for Rule to Show Cause, Etc.," and petition and affidavits in support thereof to him. I did not read the said motion for rule to show cause and petition and affidavits in support thereof to the said Joseph W. Suddard, President of the said West Chicago Park Commissioners, for the reason that the said President expressly waived the reading thereof.

ERNEST J. MAGERSTADT, *Sheriff*,
By GEORGE J. VIZARD, *Deputy*.

Also I have served the within order to show cause within my county in the following manner, to-wit:

Upon Samuel B. Raymond, County Treasurer and ex-officio County Collector of the County of Cook, in the State of Illinois, by reading the same to him and at the same time delivering a copy thereof to him, this 26th day of June, 1900, and at the same time I delivered a copy thereof of the "Motion for Rule to Show Cause, Etc.," and petition and affidavits in support thereof to him. I did not read the said motion to show cause and petition and affidavits in support thereof to the said Samuel B. Raymond, ex-officio County Collector of the County of

Cook in the State of Illinois, for the reason that he expressly waived the reading thereof.

ERNEST J. MAGERSTADT, *Sheriff*,
By THOMAS J. MCNICHOLS, *Deputy*.

Received from attorneys for plaintiffs in error two ($2.00) dollars for service of the within order.

ERNEST J. MAGERSTADT, *Sheriff*.

"EXHIBIT B."

Placita.

Be it remembered that heretofore, to-wit, on the 21st day of June, in the year of our Lord one thousand nine hundred, the same being one of the days of the June term of the County Court of Cook County, the following certificate of publication was filed with the clerk of said court, to-wit:

Office of the County Treasurer and ex-officio County Collector of Cook County, State of Illinois.

CHICAGO, June 15, 1900.

The following is a list of the lots and lands in the Town of West Chicago in said county upon which remains due and unpaid a special assessment levied and made by the Board of West Chicago Park Commissioners to pay the cost of the improvement of Douglas boulevard from southeasterly line of Garfield Park to west line of Douglas Park, in accordance with the terms of an ordinance passed by said board and confirmed by the County Court of Cook County, also showing the names of the owners thereof, as far as known, and the total amount of said assessment as assessed and confirmed as aforesaid, now remaining due and unpaid on each tract of land or lot, according to the delinquent return made to the County Collector as required by law.

Explanatory—In the following list the figures in the column headed "$" (meaning dollars) and "cts" (meaning cents) represent the amount of the said assessment due on each tract of land or lot respectively.

[Here follows descriptions of real estate.]

Public notice is hereby given that the undersigned, County Treasurer and ex-officio County Collector of Cook County, State of Illinois, will apply to the County Court of said county at the July term thereof, to commence on the second Monday in July, A. D. 1900, being the ninth day of July, A. D. 1900, for judgment against the delinquent lands, town lots and real property described in the foregoing list for the amount due and unpaid on such lands, town lots and real property for said special assessments as hereinbefore set forth, and interest and costs due thereon, and for an order to sell said lands, town lots, and real property for the satisfaction thereof; and that on the fourth Monday next succeeding the second Monday in July, A. D. 1900, being the sixth day of August, A. D. 1900, at the hour of 9 o'clock A. M., all the lands, town lots and real property described in the foregoing lists, against which judgments shall have been rendered for the amounts of said special assessment, interest and costs thereon, and for the sale of which an order shall have been made, will be exposed to public sale at the county building, where the county court is held, in said county, situate on Clark street, between Randolph and Washington streets, in the City of Chicago, in said county, for the amounts of said special assessments, as hereinbefore set forth, and interest and costs due thereon, respectively.

Dated Chicago, June 15, 1900.

S. B. RAYMOND,

County Treasurer and ex-officio County Collector of Cook County, Illinois.

STATE OF ILLINOIS, } ss.
COOK COUNTY. }

I, Wm. Penn Nixon, being first duly affirmed, depose and say that I am the publisher of the Daily Inter Ocean, and that the foregoing list of land and lots contained in the newspaper known as The Daily Inter Ocean, to which this certificate is attached, is a list of the delinquent lands and lots upon which remains due and unpaid the taxes levied and assessed for the year 1899 (and prior years), together with the amounts for which said lands had been previously forfeited to the State of Illinois (when such forfeitures are noted) and which remained due and unpaid on the first day of November, A. D. 1899; and also a list of delinquent lands and lots upon which remains due and unpaid special assessments and special taxes levied and assessed by the following corporate authorities, viz. "The Village of Barrington," "The Village of Blue Island," "The Town of Cicero," "The Village of Chicago Heights," "The Village of Des Plaines," "The City of Evanston," "The Village of Franklin Park," "The Village of Grossdale," "The Village of Harlem," "The City of Harvey," "The Village of La Grange," "The Village of Maywood," "The Village of Melrose Park," "The Village of Morgan Park," "The Village of North Harvey," "The Village of Palatine," "The Village of Park Ridge," "The Village of Riverside," "The Village of River Forest," "The Village of River View," "The Village of West Hammond," "The Village of Western Springs," "The Village of Wilmette," "The Village of Winnetka," "The City of Chicago," "The Board of South Park Commissioners," "The Board of West Park Commissioners," "The Ridge Avenue Park District," "The Town of Evanston," "The Town of Lake View," with notices hereto attached, and

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that the same were duly published and advertised, pursuant to law, once in the Daily Inter Ocean, a newspaper printed and published in the County of Cook and State of Illinois; and the whole of said advertisement was contained in one edition of said newspaper, being a newspaper of general circulation throughout said county, and that the date of the newspaper containing the same was the 15th day of June, A. D. 1900.

In witness whereof I have hereunto set my hand and seal this 18th day of June, A. D. 1900.

WM. PENN NIXON,
Publisher.

Subscribed, declared and affirmed to before me this 18th day of June, A. D. 1900.

[SEAL] J. R. FORD,
Notary Public.

STATE OF ILLINOIS, } ss.
COUNTY OF COOK. }

I, Philip Knopf, Clerk of the County Court of Cook County, in the State aforesaid, and keeper of the records and files thereof, do hereby certify that the foregoing is a true and correct copy of portion of delinquent list contained in the certificate of publication filed in said office on the 21st day of June, A. D. 1900, in the matter of the application of Samuel B. Raymond, county treasurer and ex-officio county collector of the County of Cook and State of Illinois, for judgment on delinquent taxes and special assessments for the year 1899 and priors, all of which appears from the records and files of my office.

In witness whereof, I have hereunto set my hand and affixed the seal of said County Court, at my office, in the City of Chicago, in said County, this 24th day of September, A. D. 1900.

PHILIP KNOPF,
[SEAL] *Clerk of the County Court.*

"EXHIBIT C."

Placita.

Be it remembered that heretofore, to-wit, on the 11th day of July in the year of our Lord one thousand nine hundred, the same being one of the days of the July term of the County Court of Cook County, the following objections were filed with the clerk of said court in words and figures as follows, to-wit:

STATE OF ILLINOIS, } ss.
COUNTY OF COOK. }

IN THE COUNTY COURT OF COOK COUNTY.

Of the July Term, 1900.

In the Matter of the Application of The County Treasurer and ex-officio County Collector of said County and State, for a judgment of sale for the special assessment made by the Board of West Chicago Park Commissioners to pay for the cost of the improvement of Douglas Boulevard from Garfield Park to Douglas Park.

Now on this day come the owners of or the parties who are interested in the several pieces of real estate set forth and described in the schedule of lands attached hereto, and object to a judgment of sale against said several pieces of real estate or any thereof, for the reasons stated in the instrument hereto attached and known as "Objections to Judgment of Sale."

GEO. W. WILBUR,
Attorney for Objectors.

[Here follows "Schedule of Lands."]

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OBJECTIONS TO JUDGMENT OF SALE.

1. The premises herein described were not returned as delinquent in the manner and form required by law.

2. The county treasurer and ex-officio county collector of the County of Cook did not advertise said premises as delinquent in the manner and form required by law.

3. Said pretended assessment was not confirmed in said County Court in the manner and form alleged in the notices herein and in the advertisement made by said county treasurer and ex-officio county collector.

4. The ordinance for said improvement is incomplete, informal and otherwise invalid.

5. The ordinance authorizing said improvement does not specify the nature, character, locality and description of the improvement.

6. Said original assessment proceedings in said County Court are void, because said West Chicago Park Commissioners, at the time of the entry of judgment of confirmation therein, did not have the legal consent of the owners of the real estate abutting on said boulevard at the time of the passage of the pretended ordinance for the making of said improvement.

7. Said original assessment proceedings, which are the basis of the application herein, are void, because the proceeding upon which said second proceedings were based were declared void by the Supreme Court of the State of Illinois.

8. The County Court has no jurisdiction herein to enter a judgment of sale as to the property of these objectors, for the reason that the judgment of confirmation herein is contrary to the constitution of the State of Illinois, and is therefore void.

9. The County Court has no jurisdiction herein as to

the owners of said real estate or as to said real estate, because said original assessment proceedings are contrary to the constitution of the State of Illinois, in that said assessment is not uniform as to persons and property.

10. Said original assessment proceedings are void becauce the assessment is not made according to the value of the property assessed therein, but is made in an arbitrary way by uniform assessment against the frontage of the several pieces of real estate herein described.

11. Said County Court is without jurisdiction herein, because the matter of said original assessment proceedings is now pending in the Supreme Court of the United States by writ of error to the Supreme Court of the State of Illinois.

12. The proceedings herein and said original assessment proceedings are contrary to the constitution of the United States, in that the owners of the various pieces of real estate herein described are about to be deprived of their property without due process of law.

13. The County Court herein has no jurisdiction either as to the persons or property of objectors, for the reason that there was no valid ordinance and no valid assessment in said original assessment proceedings.

* * * * *

For which several reasons the objectors herein ask that a judgment of sale, as to their respective pieces of property, be denied.

GEO. W. WILBUR,
Attorney for Objectors.

STATE OF ILLINOIS, }
COUNTY OF COOK, } ss.

I, Philip Knopf, clerk of the County Court of Cook County, in the State aforesaid, and keeper of the records and files thereof, do hereby certify that the foregoing is a true and correct copy of certain objections filed with the clerk of said court on the 11th day of July, A. D. 1900, in the matter of the application of the county treasurer and ex-officio collector of the County of Cook, in the State of Illinois, for judgment of sale for the delinquent taxes and special assessments levied and assessed for the year 1899 and previous thereto, objections No. 121 special, all of which appears from the records and files of my office.

In witness whereof, I have hereunto set my hand and affixed the seal of said County Court, at my office in the City of Chicago, in said county, this 14th day of September, A. D. 1900.

PHILIP KNOPF,
[SEAL.] *Clerk of the County Court.*

"EXHIBIT D."

Placita.

Be it remembered that heretofore, to-wit: on the 26th day of July, in the year of our Lord one thousand nine hundred, the same being one of the days of the July Term of the County Court of Cook County, the following among other proceeding were had and entered of record in said court, to-wit:

In the matter of the application of S. B. Raymond, County Treasurer and ex-officio Collector of Cook County, Illinois, for judgment against certain delinquent lands, town lots and real property for the amount due and unpaid upon the same for a certain special assessment levied by the West Chicago Park Commissioners to pay the cost of improving Douglas boulevard from the southeasterly line of Garfield Park to the west line of Douglas Park, in the City of Chicago, County of Cook and State of Illinois, said application for judgment being made by said County Treasurer at the July term, A. D. 1900, of said County Court.

And now comes the West Chicago Park Commissioners by Francis A. Riddle, its attorney, and Samuel B. Raymond, County Treasurer and ex-officio County Collector of Cook County, by Julius A. Johnson, his attorney, and show to the court that after the order was entered by the Supreme Court of Illinois on October 13th, A. D. 1899, affirming the order heretofore entered in this court confirming said special assessment so levied by West Chicago Park Commissioners for the improvement of said Douglas boulevard from the southeasterly line of Garfield Park to the west line of Douglas Park, as aforesaid, the several persons owning or interested in the following described lots, parcels and pieces of real estate specially assessed by said West Chicago Park Commissioners for benefits resulting to each of such lots, parcels and pieces of real estate from said improvement of said Douglas boulevard as aforesaid, namely:

[Here follows descriptions of real estate.]

sued out a writ of error in the Supreme Court of the

United States, and which writ of error now operates as a supersedeas against further proceedings to enforce the collection of said special assessment against said several lots, parcels and pieces of real estate respectively.

Now, therefore, on motion of Francis A. Riddle, attorney for said West Chicago Park Commissioners, and Julius A. Johnson, attorney for said county treasurer, it is, therefore, ordered that the said application for judgment against each and every of the lots, parcels and pieces of real estate hereinabove described, be withdrawn, and that the judgment sale and redemption record kept in the office of said county treasurer, for that purpose, for the year 1900, in which said several lots, parcels and pieces of real estate were listed and entered, be marked on the margin thereof, opposite the entry of the respective descriptions of said lots, parcels and pieces of real estate, as follows:

"Withdrawn from application for judgment, but without prejudice to the right of the said county treasurer to again apply for judgment, and without prejudice also to the right of West Chicago Park Commissioners to return said several lots, parcels and pieces of real estate delinquent for the non-payment of said special assessment, and without prejudice to the right of said park commissioners to direct said county treasurer to apply for judgment against said several lots, parcels and pieces of real estate at any time after the writ of error so sued out and now pending in the Supreme Court of the United States shall have been finally determined by said Supreme Court."

STATE OF ILLINOS, } ss.
COOK COUNTY. }

I, Philip Knopf, clerk of the County Court of Cook County, and the keeper of the records and files thereof, in the State aforesaid, do hereby certify the above and foregoing to be a true, perfect and complete copy of a certain order entered of record July 26th, 1900, in a certain cause in said court—In the matter of the application of the county treasurer and ex-officio collector of the County of Cook, in the State of Illinois, for judgment of sale for the delinquent taxes and special assessments levied and assessed for the year 1899 and previous thereto.

In witness whereof, I have hereunto set my hand and affixed the seal of said court, at Chicago, in said county, this 4th day of September, 1900.

PHILIP KNOPF,

[SEAL] *Clerk.*

"EXHIBIT E."

Placita.

Be it remembered that heretofore, to-wit, on the 27th day of July, in the year of our Lord one thousand nine hundred, the same being one of the days of the July term of the County Court of Cook County, the following, among other proceedings, were had and entered of record in said court, to-wit:

In the matter of the Application of The County Treasurer and ex-officio County Collector of said County and State, for a Judgment of Sale for the Special Assessment made by the Board of West Chicago Park Commissioners to pay for the cost of Douglas Boulevard from Garfield Park to Douglas Park. } *No. 121.*

This day comes the County Treasurer and ex-officio Collector of Cook County, Illinois, by his attorney, and said cause coming on regularly to be heard, and George W. Wilbur, attorney representing certain objectors herein, not appearing, after a hearing and on motion of Francis A. Riddle, attorney for the Board of West Chicago Park Commissioners,

It is ordered by the court that the objections of objectors represented by said George W. Wilbur to the foregoing application for judgment of sale be and are hereby overruled.

And thereupon, it is considered by the court that judgment be, and is hereby entered against the property of said objectors in favor of the People of the State of Illinois for the amount of special assessments, interest, penalties and costs due thereon.

It is further ordered that the property of said objectors be sold as the law directs to satisfy the amount of special assessments, interest, penalties and costs due thereon as aforesaid.

STATE OF ILLINOIS, } ss.
COOK COUNTY. }

I, Philip Knopf, Clerk of the County Court of Cook County, and the keeper of the records and files thereof, in the State aforesaid, do hereby certify the above and foregoing to be a true, perfect and complete copy of order of court entered of record July 27, 1900, in a certain cause in said court in the matter of the application of Samuel B. Raymond, County Treasurer and ex-officio County Collector, for judgment on delinquent taxes and special assesssments for the year 1899 and prior years.

In witness whereof, I have hereunto set my hand and affixed the seal of said court, at Chicago, in said county, this 24th day of September, 1900.

PHILIP KNOPF,

[SEAL] *Clerk.*

No. 201.
Def. of Certiorari for P. E. (or mo.)
Office Supreme Court, U.S.
FILED
OCT 1 1900
JAMES H. McKENNEY,
Clerk.

Gen. No. 17,839. Term No. 201.

Filed Oct. 1, 1900.

Supreme Court of the United States.

OF THE OCTOBER TERM, A. D. 1900.

THOMAS F. FARRELL et al.,
Plaintiffs in Error,

vs.

THE WEST CHICAGO PARK COMMISSIONERS,
Defendants in Error.

Error to Supreme Court of Illinois.

SUGGESTIONS IN RELATION TO RULE FOR DEFENDANTS IN ERROR TO SHOW CAUSE, ETC.

GEORGE W. WILBUR,
NEWTON A. PARTRIDGE,
COUNSEL FOR PLAINTIFFS IN ERROR.

The Sentinel-Warren Printing Company, 42 Harrison St., Chicago.

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IN THE

Supreme Court of the United States

OF THE OCTOBER TERM, A. D. 1900.

THOMAS F. FARRELL et al.,
Plaintiffs in Error,

vs.

THE WEST CHICAGO PARK COMMISSIONERS,
Defendants in Error.

Error to Supreme Court of Illinois.

SUGGESTIONS IN RELATION TO RULE FOR DEFENDANTS IN ERROR TO SHOW CAUSE, ETC.

MAY IT PLEASE THE COURT:

On the 14th of May last the plaintiffs in error presented a petition praying that a rule be entered against the defendants in error to show cause why they should not be punished for contempt in returning for collection the special assessment involved in said proceedings. On May 21st a rule was entered in accordance with the prayer of such petition. Since that time the defendants in error have taken certain actions in regard to such assessment, which to us seem to be an aggravation of the original offense. To sustain this contention, we present herewith the sworn statement of Mr. James L. Monaghan, one of the plaintiffs in error, which statement is supported by

numerous exhibits. The rule to show cause was duly served upon each member of the Board of West Chicago Park Commissioners. A certified copy of such order and the form of service thereof, is on file in the office of the clerk of this court.

We realize that the proceedings relating to the rule entered against the defendants in error, are somewhat unusual, and probably their actions therein, since the entry of the order, are without precedent. We deem it proper, therefore, to have their conduct, as set forth in the statement and exhibits, brought before your Honorable Court for such further action as the circumstances may warrant.

The proceedings instituted on behalf of the plaintiffs in error, and which resulted in the entry of said order, were forced upon the plaintiffs in error when the defendants in error refused to recognize the effect of the citation issued and served after filing the writ of error and the supersedeas bond. We had good reason to hope that, upon the entry of the order of May 21, the defendants in error would at once withdraw the assessment from collection, and thus save to the plaintiffs in error any further annoyance or expense in the premises. In this regard, however, we were disappointed and greatly surprised.

On the 26th of September we were served with a notice by counsel for defendants in error, to which was attached a copy of a motion. The motion, in effect, states that the defendants in error will move the court to vacate the supersedeas order granted upon the issuing of the writ of error in the case. The notice and motion were not accompanied by any showing either by affidavit

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or argument. We will, therefore, pass the matter by, simply stating that the action of counsel in presenting such a motion while a rule to show cause is still pending and undisposed of, seems open to criticism.

The services performed by counsel for plaintiffs in error in presenting the original petition for a rule to show cause, and also in the preparation and presentation of the statement and exhibits filed herewith, are matters outside of the scope of their original retainer. Much expense has been incurred for printing, for service of papers, and for transportation and incidentals involved in appearing before your Honorable Court, as above stated, and also in attendance on the day fixed for disposition of the rule. Counsel feel that these services and expenses should be borne by the defendants in error. We do not consider the sum of $1,500, mentioned in the sworn statement of Mr. James L. Monaghan, as the aggregate for such fees and expenses, to be excessive, when we take into consideration all of the circumstances disclosed by the record and files. The assessment against the property of the plaintiffs in error is upwards of $100,000.

Respectfully submitted.

GEORGE W. WILBUR,
NEWTON A. PARTRIDGE,
Counsel for Plaintiffs in Error.